--23. (new) A method of treating a non-neuronal cancer, which comprises a non-neuronal tumor cell, in a mammal, said method comprising the step of injecting a mammal intratumorally with an effective amount of a mutant herpes simplex virus comprising a non-functional gene, wherein said non-functional gene consists essentially of a non-functional gamma 35.4 gene and wherein said mutant virus infects, replicates and lyses said non-neuronal tumor cell in said mammal, thereby treating the non-neuronal cancer.

24. (new) The method according to claim 23, where in the mammal is a human.

25. (new) The method according to claim 23 or claim 24 wherein the cancer is a primary tumor.

26. (new) The method according to claim 23 or claim 24 where the cancer is a metastatic tumor.

27. (new) The method according to claim 23 or claim 24 wherein the cancer is a mesothelioma, ovarian carcinoma, bladder cancer or melanoma.

28. (new) The method according to claim 23 wherein the mutant herpes simplex virus is a type 1 herpes simplex virus.

29. (new) The method according to claim 23 wherein the mutant herpes simplex virus has been modified within the BamH1 restriction fragment of the long terminal repeat of the viral genome.

D' cancel

30. (new) The method according to claim 29, wherein the modification is a deletion of from 0.1 to 3 kb of the BamH1 restriction fragment of the long terminal repeat of the viral genome.

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31. (new) The method according to claim 30 wherein the deletion is from 0.7 to 0.8 kb.

32. (new) The method according to claim 23 wherein the mutant herpes simplex virus is strain 1716.--

REMARKS

Reconsideration is requested.

Claims 13-22 have been canceled, without prejudice. Claims 23-32 have been added and upon entry of the above amendments will be pending.

The amendments do not raise new issues requiring further search and/or consideration. Moreover, claims have not been added without canceling a